



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/147184

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 08, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on March 05, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's application for FS benefits.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: Katherine May  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On November 26, 2012, the Petitioner submitted an ACCESS online application for FS benefits.

3. On November 29, 2012, the agency processed the Petitioner's application and issued a Notice of Action and Proof Needed requesting employment and income verification. The due date for the requested items was December 26, 2012.
4. On December 27, 2012, the agency issued a Notice of Decision informing the Petitioner that the application for FS benefits was denied due to failure to submit requested employment and income verification.
5. On February 8, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

### **DISCUSSION**

As part of the FS application process, the agency must request and receive verification of a household's earned income, as this is a means-tested program. The petitioner's household had earned income. The agency must give the client at least 10 days to supply requested verification from the verification request, and 30 days from the application date. FoodShare Handbook (FSH), §§ 1.2.1.2, & 2.1.3.7. The responsibility for supplying verification then rests on the recipient. Id., §1.2.1.3. When requested income verification is not timely received, the agency may correctly deny an application or close a case undergoing review. Id., §1.2.4.1; 7 C.F.R. §273.2(g)(3) (January 2010).

At the hearing, the Petitioner did not dispute that the requested items were not provided to the agency by the due date of December 26, 2012. The Petitioner stated that he did not recall receiving the November 29, 2012 request from the agency. He did send information to the agency after receiving the December 27 notice.

Based on the evidence presented, the agency properly denied the Petitioner's application for FS benefits when it did not receive employment and income verification. The Petitioner was advised that he can submit a new application.

### **CONCLUSIONS OF LAW**

The agency properly denied the Petitioner's FS application.

**THEREFORE, it is**

**ORDERED**

That the petition be, and hereby is, dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

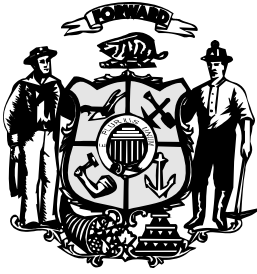
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 26th day of March, 2013

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 26, 2013.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability